

McGREGOR W. SCOTT
United States Attorney
ALEXANDRE DEMPSEY
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099
Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOAQUIN VELASCO,

Defendant.

CASE NO. 1:20-CR-00111-NONE-SKO

STIPULATION TO VACATE STATUS HEARING
DATE, SET CHANGE OF PLEA HEARING;
FINDINGS AND ORDER

DATE: November 18, 2020
TIME: 2:00 p.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status hearing on November 18, 2020.
2. By this stipulation, defendant now moves to vacate the status hearing and set the matter for change of plea before the Court as to defendant Velasco for November 20, 2020, and to exclude time between November 18, 2020, and November 20, 2020, under 18 U.S.C. §§ 3161(h)(1)G, 3161(h)(7)(A), and 3161(h)(7)(B)(i) and (iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The parties have been informed that the Court is available for a change of plea hearing on November 20, 2020.

b) As the defendant does not intend on going to trial, the parties request that the status hearing date be vacated. Vacating the status hearing date will conserve judicial resources for a case that has been resolved by a plea agreement.

c) By previous Court order, time was excluded under the Speedy Trial Act, 18 U.S.C. § 3161, et. seq., through and including November 18, 2020. In an abundance of caution, the parties also request that time be excluded under the Speedy Trial Act from November 18, 2020 through and including November 20, 2020, to allow defendants to continue to consult with counsel and to prepare for and attend the change of plea hearing.

d) The government agrees to, and seeks, the continuance/time exclusion.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 18, 2020 to November 20, 2020, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161 (h)(1)G), 3161(h)(7)(A), and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 12, 2020

McGREGOR W. SCOTT
United States Attorney

/s/ ALEXANDRE DEMPSEY
ALEXANDRE DEMPSEY
Assistant United States Attorney

1 Dated: November 12, 2020

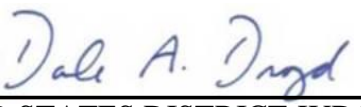
/s/ DARRYL YOUNG
DARRYL YOUNG
Attorney for Defendant
JOAQUIN VELASCO

6 **FINDINGS AND ORDER**

7
8 IT IS SO FOUND AND ORDERED this ____ day of November, 2020. For the purpose of
9 computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must
10 commence, the time period of June 18, 2020 through November 20, 2020, inclusive, is deemed
11 excludable pursuant to 18 U.S.C. §§ 3161 (h)(1)G), 3161(h)(7)(A), and 3161(h)(7)(B)(i) and (iv). At
12 the request of the parties, the November 18, 2020 status hearing in the above case is **VACATED** and
13 parties shall appear on November 20, 2020 for a change of plea hearing.

14 IT IS SO ORDERED.

15 Dated: November 13, 2020


UNITED STATES DISTRICT JUDGE